

Congress of the United States

Washington, DC 20515

September 20, 2023

Dr. Aaron Rhyner, DVM
Assistant Director
USDA-APHIS-Animal Care
2150 Centre Ave., Building B,
Mailstop 3W11,
Fort Collins, CO 80526-8117

Re: Request for 60-Day Extension of the Public Comment Period on the Proposed Rule Under the Horse Protection Act, Docket No. APHIS-2022-0004

Dear Assistant Director Rhyner,

As Members of the United States House of Representatives, we respectfully request a 60-day extension to the comment period on the proposed rule under the Horse Protection Act published at 88 FR 56924 (Aug. 21, 2023) (“proposed rule”).

First, the proposed rule would affect a sea change in the Tennessee Walking Horse industry by effectively eliminating the entire performance category of competition in which horses are shown wearing action devices and pads. A rule effecting such sweeping change warrants more than a 60-day comment period for affected stakeholders to gather necessary data to address the proposed rule.

Second, APHIS issued this proposed rule at the height of the Walking Horse industry’s largest show and given the limited resources of the walking horse organizations negatively impacted by this proposed rule, these organizations require more time to prepare thoughtful, data-driven, and science-based comments on the proposed rule.

Third, by banning action devices and pads, the proposed rule would eliminate the entire performance category of competition for Tennessee Walking Horses. Currently, performance categories account for 70% of horses entered in shows like the Tennessee Walking Horse National Celebration. Eliminating that category of competition would thus wipe out a significant portion of the industry. The current comment period is simply not an adequate period for the impacted Tennessee Walking Horse organizations to prepare comments fully informing the agency of the consequences of such a change. For example, the Performance Show Horse Association believes it will be necessary to obtain its own economic analysis of the proposed rule, and the current sixty days is not sufficient time to retain and meet with an expert, provide data, and secure a completed analysis.

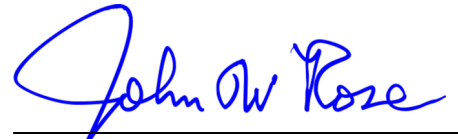
It is in the public interest to ensure that the most comprehensive and focused comments possible are submitted to APHIS for review and this requested extension of the comment period would provide adequate time to prepare and present data in its comments. See, e.g., Viruses, Serums, Toxins, and Analogous Products; Standard Requirement for Escherichia Coli Bacterins, 60 FR 43573-01 (granting extension to allow national trade association time to prepare comment); Animals Destroyed Because of Scrapie, 53 FR 51565-01 (granting “a request from industry associations that we extend the comment period for 60 days to provide interested persons with adequate time to prepare comments”).

Given the sweeping changes that would be imposed by the proposed rule and the significant and negative impacts this proposed rule would have on the Tennessee Walking Horse industry, we strongly encourage APHIS to extend the comment period by an additional 60 (sixty) days.

Sincerely,

A stylized, cursive signature in black ink, featuring a large, sweeping loop at the top and a smaller loop below it.

Scott DesJarlais, M.D.
Member of Congress

A cursive signature in blue ink, reading "John W. Rose" with a large, flowing 'J' and 'R'.

John W. Rose
Member of Congress

A cursive signature in blue ink, reading "Hal Rogers" with a large, flowing 'H' and 'R'.

Harold Rogers
Member of Congress

A cursive signature in blue ink, reading "James Comer" with a large, flowing 'J' and 'C'.

James Comer
Member of Congress

A cursive signature in blue ink, reading "David Kustoff" with a large, flowing 'D' and 'K'.

David Kustoff
Member of Congress